



MINUTES OF LICENSING AND PUBLIC SAFETY COMMITTEE

MEETING DATE **Wednesday, 23 July 2014**

MEMBERS PRESENT: Marion Lowe (Chair), Anthony Gee (Vice-Chair) and Doreen Dickinson, Gordon France, Margaret France, Mike Handley, Mark Jarnell, Hasina Khan, Adrian Lowe, Matthew Lynch, Mick Muncaster, Steve Murfitt, Pauline Phipps, Ralph Snape and John Walker

RESERVES: Councillor Jean Cronshaw

OFFICERS: Simon Clark (Head of Environment), Lesley Miller (Regulatory Services Manager), Stephen Culleton (Licensing Officer), Alex Jackson (Legal Services Team Leader), Elizabeth Walsh (Solicitor) and Dianne Scambler (Democratic and Member Services Officer)

APOLOGIES: Councillor David Dickinson and Keith Iddon

14.LPS.1 Minutes

It was AGREED that the minutes of the Licensing and Public Safety Committee meeting held on 19 March be held as a correct record for signing by the Chair.

14.LPS.2 General Licensing Sub-Committee Minutes

It was AGREED that the minutes of the General Licensing Sub Committee held on 14 May 2014 be held as a correct record.

14.LPS.3 Declarations of Any Interests

Councillor Ralph Snape declared a personal interest in Item 3: Hackney Carriage Vehicle Licence Plates

14.LPS.4 Hackney Carriage Vehicle Licence Plates

(Councillor Ralph Snape left the meeting)

The Director of Public Protection, Streetscene and Community submitted a report advising Members of a lapse in the renewal of a Hackney Carriage Vehicle Licence and sought the Committee's view in dealing with the loss of a hackney carriage vehicle to the currently restricted fleet number.

Members were asked to consider a number of options to determine their preferred course of action in dealing with the lapsed hackney carriage licence. The Committee were informed that the Council operated a restricted hackney carriage licence service, where the number of licences available to operate a hackney carriage vehicle is currently held at 36.

It was brought to the Committee's attention that the responsibility for ensuring hackney carriage vehicle licences are renewed on time lay solely with the licence holder and that save one piece of particular piece of case law, once a licence had expired due to no renewal, the licence and its associated plate number ceased to exist in law.

On 9 May 2014 the Council became aware that Hackney Carriage Vehicle (HCV) licence no. 20 had not been renewed on its due date, 30 April 2014. Consequently the HCV licence and plate number ceased to exist and the licence holder was unable to operate his vehicle as a hackney carriage.

The previous licence holder had made representations to the Council for this Committee to review his situation, to allow him to apply preferentially for a new HCV licence and plate number. HCV Plate 20 had been issued to the same person for several years and has been renewed in a timely manner on previous occasions.

In mitigation the previous licence holder cited two reasons for the failure to renew, being that the Council failed to notify him of a renewal date and that an alleged telephone conversation between a council licensing officer and his representative, led him to believe that he did not need to renew.

The reasons had been investigated by the Head of Health, Environment and Neighbourhoods and a formal response from the Council given. As a consequence of that response, the previous licence holder was seeking approval of the Committee to reinstate his licence.

As the previous licence holder did not agree with the response given, he was entitled to make a complaint against the Council and there was an avenue to do so, however Members were advised that the complaint could not be heard and addressed by this Committee.

The previous licence holder's representative asked if the matter could be heard by and determined by a Sub Committee, whereby further details with regards to the circumstances could be given. The Council's legal officer advised that although a Sub Committee could hear the facts, they could only make a recommendation to this Committee and that this would only cause a delay in proceedings.

The loss of a hackney carriage licence has some implications for the Council and the public in that the number of hackney carriages in service is reduced by one and the Committee held the view that the Council's Hackney Carriage Vehicle licences should be reinstated as soon as possible to 36.

It was proposed by Councillor Adrian Lowe, seconded by Councillor Mick Muncaster for the approval of Option 1: To re-issue the hackney carriage vehicle licence using the established 'tombola' system to re-establish the limited hackney vehicle licence numbers to 36.

Some Members however were sympathetic to the previous licence holder's situation. Option 2, was proposed by Councillor John Walker, seconded by Councillor, Margaret France and subsequently **RESOLVED (8:5) to approve Option 2: To reinstate the restricted hackney carriage licence numbers to 36 and issue it preferentially to the previous licence holder in light of the representations he had made to regain his lapsed licence, subject to a satisfactory application.**

Members were asked to consider the vehicle type for this hackney Carriage licence in terms of provision of a disabled access vehicle. Following discussion's and establishing that the previous licence applied to a standard saloon vehicle it was determined that the new hackney vehicle licence should be for a standard vehicle (not specifically disabled access).

(Councillor Ralph Snape returned to the meeting)

14.LPS.5 Taxi Licence Fees and Charges - Review of Cost Apportionment

The Committee received a report of the Director of Public Protection, Streetscene and Community advising Members of a review that had been undertaken on the cost apportionment of fees and charges for Private Hire and Hackney Carriage licences issued by the Council's Regulatory Services Team. The report also sought approval for the implementation of a new fees and charges structure based on apportionment of costs.

The current fee structure was set several years ago and over recent years has only been subject to inflationary increases or frozen subject to Member decisions in any particular year.

A review of how the fees and charged are calculated and costs apportioned was undertaken for a number of reasons that included:

- Local authorities are being increasingly challenged to demonstrate their fees and charges structure meets legislative requirements
- Recent case law has provided clarity on some of the principles against which fees and charges can be set
- It has been several years since a review of this nature has been undertaken
- Such a review is seen as good practice
- Representatives of Chorley's Hackney Carriage and Private Hire trade had requested a review to demonstrate how the fees and charges were arrived at for the variety of taxi related licences

A significant piece of work has been undertaken by Financial Services to establish the activities and costs relating to each licence type and the Committee were provided with a detailed breakdown within the report. Members also noted that there have been significant changes with regards to the administration of licencing in recent times.

There are also a number of third party costs such as Driving Standards Agency (DSA) testing, Disclosure and Barring Service (DBS, formally CRB) checks and vehicle testing charges, which include a Ministry of Transport (MOT) test and Chorley Council Taxi test, additional to the administration and monitoring costs apportioned to the individual licences.

Medical costs could also vary for an individual driver dependant on their medical history and conditions identified. In order to be able to include this cost as a standard licence fee, the charge for this service has been averaged across all the appropriate licences. This was a decision agreed by the Committee in December 2011.

Although some fees and charges had reduced, there were still some considerable increases and representatives from the taxi trade present at the meeting voiced their concerns about some of the increases, including the Private Hire Driver's Grant Badge. It was brought to the Committee's attention that some drivers were obtaining licences from nearby authorities that were lower in price and then driving in the Chorley borough. The Chorley trade were concerned that this practice would increase.

Officers explained that the Council can impose reasonable fees for the different licences under legislation. Any costs should be reasonable and based on the principle of costs recovery. The proposed changes in vehicle and operator licence fees would be subject to a statutory 28 day advertisement in the local press and a notice be placed on deposit at the Council offices for public inspection.

It was proposed by Councillor Adrian Lowe, seconded by Councillor Gordon France and subsequently **RESOLVED unanimously:**

- 1. To approve the new fees and charges framework and implementation of new fees and charges structure based on the principle of apportionment costs.**
- 2. To implement all new fees and charges immediately subject to a statutory 28 day advertisement in the local press and consideration by members, of any objections.**
- 3. To approve a regular review (at least every three years) of these fees and charges based on apportionment of costs, the results of any such reviews to be reported to the Licensing and Public Safety Committee.**

(Councillor Jean Cronshaw left the meeting)

14.LPS.6 Local Government (Miscellaneous Provisions) Act 1976, Review of Vehicle Inspection Processes

The Director of Public Protection, Streetscene and Community submitted a report for Members to consider the current Private Hire/Hackney Carriage vehicle inspection process, to determine any changes in policy, if any, relating to conditions of applications for the granting of Private Hire and Hackney Carriage Vehicle Taxi testing arrangements..

At the last meeting of the Committee, officers were asked to undertake a review of the testing provisions for Private Hire and Hackney Carriage vehicles that are licensed under the Local Government (Miscellaneous Provisions) Act 1976 within the Borough of Chorley.

To underpin the review, officers conducted a consultation process with all relevant stakeholders that included meeting with the owners of the Council's appointed Taxi Testing stations, a questionnaire sent out to all Private Hire Operators and Private Hire and Hackney Carriage vehicle proprietor's and discussions with the Licensing Liaison Panel. The Council also consulted with neighbouring authorities to establish how they conducted Taxi Testing.

The current arrangements were introduced in 2008. The adopted policy is designed to be proactive and Members noted that there had been a limited number of changes to existing practices. The inspection provides proprietor's with helpful advice, information and guidance with regards to the suitability of a vehicle to become a private hire or hackney carriage vehicle, giving the opportunity for rectification of any issues before payment for formal testing is made. Since introduction of the policy, no vehicles have undergone the pre-inspection and failed the formal Taxi Test in regards to the Council's conditions of licensing.

The Committee were informed that the garage proprietor's had unanimously stated that they would not be interested to extending their services to include the pre-inspection of vehicles. It was also noted that the majority of responses to the questionnaire by the taxi trade were satisfied with the present service. Only a small number sought to change the way in which the Council test vehicles.

However there are currently some limitations to the existing process. Presently there is only one officer who is sufficiently experienced to carry out the vehicle pre-inspection. This is an unsatisfactory position for the trade and the Authority, as the possibility of vehicles being delayed entry to the taxi trade due to the officer being unavailable is inevitable and a number of different options to address this issue were contained within the report for Members consideration.

Councillors Adrian Lowe and Mike Handley left the meeting.

It was proposed by Councillor Hasina Khan, seconded by Councillor Mick Muncaster and subsequently **RESOLVED (10:1) to retain the existing system and train further officers to conduct pre-inspection of vehicles.**

Members also noted that he review had identified issues within the administrative processes for Private Hire Operators, Private Hire and Hackney Carriage vehicles and driver licences. The issues identified were in part due to recent changes in IT and service delivery functions.

Therefore it was also proposed by Councillor Hasina Khan, seconded by Councillor Mick Muncaster and subsequently **RESOLVED (9:2) to approve a review of current administrative processes and policy documentation to identify and propose appropriate changes.**

Chair

Date